

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to Investigate the)
Implementation of Feed-in Tariffs.)
)
_____)

DOCKET NO. 2008-0273

PUBLIC UTILITIES
COMMISSION

2008 NOV 13 A 11:27

FILED

**THE SOLAR ALLIANCE'S
MOTION TO INTERVENE,**

VERIFICATION AND CERTIFICATE OF SERVICE

RILEY SAITO
73-1294 Awakea Street
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For Movant
The Solar Alliance

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OF THE STATE OF HAWAII

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SOLAR ALLIANCE'S MOTION TO INTERVENE

TO THE HONORABLE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII:

MOVANT, SOLAR ALLIANCE (the "Movant") hereby moves the Hawaii Public Utilities Commission (the "Commission") for an order allowing Movant to intervene as a party, pursuant to Hawaii Revised Statutes § 269-6 and §§ 6-61-41 and 6-61-55 of the Rules of Practice and Procedure before the Public Utilities Commission, Chapter 61 of Title 6 of the Hawaii Administrative Rules ("H.A.R.").

Movant's substantial interests in this Docket are unique and will not be fully and adequately represented unless Movant is allowed to intervene on its own behalf. In addition, Movant as an alliance of solar manufacturers, integrators, and financiers dedicated to accelerating the promise of photovoltaic ("PV") energy in Hawaii and nationwide, and has a member serving on the Generating Committee of the Hawaii Clean Energy Initiative, has the experience and background to greatly assist the Commission in developing a sound and accurate evidentiary record, thereby ensuring that the resulting decision is just and reasonable, and meets the objectives of the comprehensive agreement entered into by the Governor of the State of

Hawaii, the State of Hawaii Department of Business, Economic Development and Tourism, the State of Hawaii Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs and the Hawaiian Electric Companies on October 20, 2008 (the "Comprehensive Agreement").¹ In support of this Motion, Movant states as follows:

1. Procedural History of this Docket.

The Commission initiated this docket by Order on October 24, 2008 to address the issues related to implementation of feed-in tariffs in the HECO Companies' service territories.² In the Order, the Commission named the HECO Companies and the Consumer Advocate as parties to the proceeding and invited any interested individual, entity, agency, or community or business organization to file a motion to intervene or participate without intervention in the Docket pursuant to HAR Chapter 6-61.³

It is Movant's understanding that no action has commenced in this Docket and that Movant is within the 20-day time period to file a Motion to Intervene pursuant to HAR § 6-61-57(2).

2. Movant. Movant is an alliance of manufacturers, integrators, and financiers dedicated to accelerating the promise of photovoltaic ("PV") energy in Hawaii and nationwide, and has a member serving on the Generating Committee of the Hawaii Clean Energy Initiative. . Nearly sixty percent (60%) of Movant's Members have been involved in PV projects in Hawaii.⁴ In 2007 - 2008, Movant's Members' projects in Hawaii totaled approximately Fourteen (14) Megawatts ("MW") in residential, commercial, and government generation. Movant specially

¹ See, Order Initiating Investigation in Docket No. 2008-0273. "Hawaii Electric Companies" or "HECO Companies" collectively refer to Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawaii Electric Light Company, Inc.

² Id.

³ Id.

⁴ Movant's Members who have projects in Hawaii include: BP Solar, Evergreen Solar, Dow Corning, Kyocera, Mitsubishi, MMA Renewables, Sanyo, Schott Solar, Solar Power Partners, SunEdison, SunPower, SunTech, Uni-Solar, American Solar Electric, Mainstream Energy, and Xantrex. .

focuses its efforts to assist legislators, regulators, and utilities make the transition to solar power by offering technical and policy expertise and experience to create programs that are in the best interest of residential, commercial, and governments customers; as well as the utility. Movant's full name and business address is as follows:

The Solar Alliance
P.O. Box 534
North Scituate, Massachusetts 02060

All correspondence related to this Docket should be sent to:

MS. CARRIE CULLEN HITT
President
The Solar Alliance
P.O. Box 534
North Scituate, Massachusetts 02060

and

MR. RILEY SAITO
73-1294 Awakea Street
Kailua-Kona, HI 96740

3. Nature of Movant's Rights.

The Commission in initiating this investigation has invited any interested individual, entity, agency, or community or business organization to file a motion to intervene or participate without intervention in this Docket. Movant is an alliance of solar manufacturers, integrators, and financiers dedicated to accelerating the promise of PV energy in Hawaii and nationwide, and has a member serving on the Generating Committee of the Hawaii Clean Energy Initiative. Thus, Movant qualifies as a business organization that may intervene in this Docket.

4. Nature and Extent of Movant's Property, Financial, or Other Interest.

Pursuant to the Order initiating this Docket, the scope of this proceeding is to,

... determine the best design for feed-in tariffs that support the Hawaii Clean Energy Initiative, considering such factors as categories of renewables, sizes or locational limits for projects qualifying for the feed-in tariff, how to manage and identify project development milestones relative to the queue of projects wishing to take the feed-in tariff terms, what annual limits should apply to the amount of renewables allowed to take the feed-in tariff terms, what factors to incorporate into the prices set for feed-in tariff payments, and the terms, conditions, and duration of the feed-in tariff that shall be offered to all qualifying renewable projects...⁵

Moreover, the Comprehensive Agreement specifically states that,

The parties believe that solar energy represents an immediate and substantial renewable energy opportunity for Hawaii. In order to fully use that energy, the parties commit to the following:

...
6. Support the installation of third-party and customer PV systems through feed-in tariffs that offer known, stable pricing terms and standardized interconnections.

..
7. Support customer energy payment options through modification of Hawaii's Net Metering option to include provisions for the sale of excess energy produced by the customer's net metered system on an annual basis and payment for such energy at **the feed-in tariff rate** or a somewhat lower fixed rate to fairly balance the option risks available in all customer options...⁶

Movant's members as solar manufacturers, integrators, and financiers of PV systems in Hawaii, or their potential customers, will presumably be subject to Feed-in tariffs and prices adopted as a result of this Docket. The Feed-in tariffs and prices adopted will have a direct, immediate, and substantial impact on Movant's members doing business in Hawaii and their ability to conduct a viable economic business in Hawaii. Several of Movant's members have been in Hawaii for over a decade investing in and building the Hawaii market and employing Hawaii residents, in their efforts to promote PV energy in Hawaii. As stated above, over sixty (60%) of Movant's Members have PV projects in Hawaii for an approximate total of fourteen

⁵ See, *Order Initiating Investigation*, filed on October 24, 2008, in Docket No. 2008-0273: *In the Matter of Public Utilities Commission Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs* at 3.

⁶ See, Comprehensive Agreement at 11-12.

(14) MW in 2007-2008.⁷ Thus, Movant should be granted intervention to allow it to protect its property and financial rights.

5. The Effect of the Pending Order as to Movant's Interest.

If the Commission concludes that Movant's members, or their potential customers, are subject to feed-in tariffs and prices, it will affect the amount that is paid for PV energy and may also affect the viability of PV systems generally. If the prices are too low or if the conditions to do business present too many barriers it would impede Movant's members' ability to do business in Hawaii and, thus, limit the amount of PV energy in Hawaii.

6. Other Means Available Whereby Movant's Interests May be Protected.

Movant has no other means but intervention to protect the unique property and financial interests of its members. Thus, intervention is appropriate.

7. Extent to Which Movant's Interests Would be Represented by Existing Parties.

The Movant's interests cannot be fully represented by any of the existing parties in the Docket because none of those parties share the same property and financial interests as Movant's members. Neither the HECO Companies nor the Consumer Advocate is in the business of manufacturing and/or financing PV projects in the State of Hawaii. Also neither the HECO Companies nor the Consumer Advocate would be the recipients of a feed-in tariff or prices. They clearly do not share Movant's members' interest in protecting their property and financial interests in Hawaii to promote PV energy.

8. Movant's Intervention Will Assist in the Development of a Sound Evidentiary Record.

Movant as an alliance of solar manufacturers, integrators, and financiers dedicated to accelerating the promise of PV energy in Hawaii and nationwide, has a long history of providing

⁷ The fourteen (14) MW also includes Movant's Associate Mainstream Energy's project in Hawaii.

States, specifically, legislators, regulators, and utilities, with its resources, expertise, and experience in accelerating the use of PV energy. Moreover, one of Movant's members serves on the Generating Committee of the Hawaii Clean Energy Initiative working groups and as a member of the Hawaii Energy Policy Forum. Most importantly because sixty (60%) of Movant's Members have projects in Hawaii, which generated approximately fourteen (14) MW of PV energy in Hawaii in 2007-2008, Movant has the hands-on experience of deploying renewable energy in Hawaii. Thus, Movant has the resources, expertise, and experience to greatly assist the Commission in developing a sound and accurate evidentiary record, thereby ensuring that the resulting decisions are just and reasonable, and meets the objectives of the Comprehensive Agreement.

9. Extent to Which the Movant's Intervention Would Broaden the Issues or Delay the Proceedings.

Movant's intervention will not unduly broaden the issues or unduly delay the proceedings. Rather given Movant's unique position of working nationwide to assist States to accelerate and promote the implementation of PV energy and its members' hand-on experience in Hawaii, Movant, as an active Intervenor, will be able to assist the Commission in ensuring that decisions are timely, and justly and reasonably made. Movant seeks to ensure that a comprehensive examination of the issues involved in this Docket is made and meets the objectives of the comprehensive and the historic Comprehensive Agreement.

10. Movant's Interest Compared to the General Public.

The Movant's members have unique property and financial interests that is not shared by the general public.

11. Movant's Position.

Movant, as an alliance of solar manufacturers, integrators, and financiers dedicated to

accelerating the promise of PV energy in Hawaii, applauds the parties to the Comprehensive Agreement and the Commission in their efforts to promote PV energy in Hawaii and to move Hawaii away from the central-station, oil-based power paradigm. Thus, Movant is open to this investigation to determine the best design for feed-in tariffs and supports the intent of the Hawaii Clean Energy Initiative. However, in order to engender a full and frank discussion of the issues view points of all stakeholders must be heard. Movant has unique property and financial interests that are not being represented by existing parties and, thus, its intervention is appropriate and should be granted. Alternatively, if the Commission is not inclined to grant Movant intervenor status, Movant respectfully moves the Commission to at least grant it Participant status and permit it to submit Position Statements and/or Testimony.

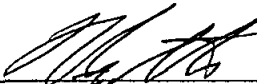
Movant does not request a hearing on this Motion.

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VI. CONCLUSION

WHEREFORE, Movant respectfully moves the Commission to grant its Motion to Intervene, or, alternatively, to grant it Participant status and permit it to submit Position Statements and/or Testimony.

DATED: Honolulu, Hawaii, November 13, 2008.



RILEY SAITO

For Movant
The Solar Alliance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was duly served on each of the following parties via hand delivery or United States Mail, postage prepaid, as set forth below:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
335 Merchant Street
Room 326
Honolulu, Hawaii 96813

(Via hand-delivery)
(2 Copies)

DARCY L. ENDO-OMOTO
VICE PRESIDENT
GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

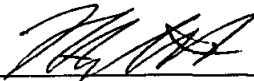
DEAN MATSUURA
MANAGER
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P.O. Box 2750
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JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LTD.
P.O. Box 398
Kahului, Maui, HI 96732

RANDALL J. HEE, P.E.
President and Chief Executive Officer
Kauai Island Utility Cooperative
4463 Pahee Street, Suite 1
Lihue, Kauai, HI 96766-2000

DATED: Honolulu, Hawaii, November 13, 2008.



RILEY SAITO

For Movant
The Solar Alliance

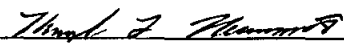
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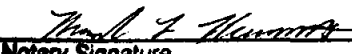
STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

Riley Saito, being first duly sworn, deposes and says: I am the Senior Manager of Hawaii Projects for SunPower Corporation and SunPower Corporation is a Member of The Solar Alliance that I have read the foregoing Motion to Intervene and that the same are true and correct to the best of my knowledge and that I have the authority to sign on behalf of The Solar Alliance.


RILEY SAITO

Subscribed and sworn to before me
This 12TH day of NOVEMBER, 2008


Name of Notary Public: **Kyle T. Kawamoto**
Notary Public, State of Hawaii
My commission expires: AUG 27 2010
COMMISSION # 06-502

Document Date:	<u>NOVEMBER 12, 2008</u>	# Pages:	<u>11</u>
Notary Name:	<u>KYLE T. KAWAMOTO</u>	First Circuit	
Doc. Description:	<u>THE SOLAR ALLIANCE'S</u>		
	<u>MOTION TO INTERVENE</u>		
Notary Signature		Date	<u>11/12/2008</u>